



SPOKANE COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only
RECEIVED
Received: **MAY 30 2013**
Date Stamp
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE
Reviewed by: _____
Date Reviewed: _____

Applicant: Whitworth Water Dist. #2

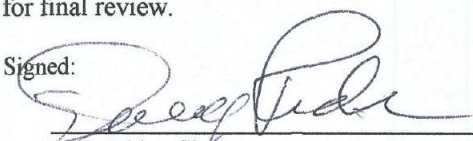
Application Number SPOK-11-19

This record of decision was made by a majority of the board at an open public meeting of the Spokane County Water Conservancy Board held on May 29, 2013. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

X Approval: The Spokane County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on May 29, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:


Doug Rider, Chair
Spokane County Water Conservancy Board

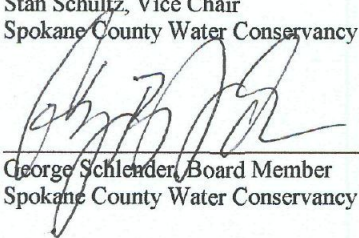
Date: 5/29/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Craig Schwyn, Secretary
Spokane County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Stan Schultz, Vice Chair
Spokane County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐


George Schlender, Board Member
Spokane County Water Conservancy Board

Date: 5/29/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

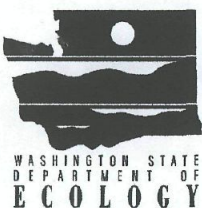

Bryan St. Clair, Board Member
Spokane County Water Conservancy Board

Date: 5/29/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on August 28, 2012.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer



Spokane County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

RECEIVED
MAY 30 2013

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED August 22, 2011	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) G3-20460C	WATER RIGHT PRIORITY DATE August 23, 1972	BOARD-ASSIGNED CHANGE APPLICATION NUMBER SPOK-11-19
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NAME Whitworth Water District #2			
ADDRESS (STREET) 10828 N. Waikiki	(CITY) Spokane	(STATE) WA	(ZIP CODE) 99218

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of version/withdrawal
☒ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	80	52	Continuous for community domestic supply				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
One (1) Well Tag # AHC-149							
AT A POINT LOCATED: PARCEL NO. 37104.0118 AHC-149	¼ NE	¼ SE	SECTION 10	TOWNSHIP N. 27	RANGE 43	WRIA 55	COUNTY. Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Plat of Wahoo Addition (26 Lots) SE1/4 of Section 10, T. 27N., R. 43 E.W.M.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	80	52	Continuously for Municipal Supply				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
One (1) Well #8C 15010 N. Columbus AGC-037							
AT A POINT LOCATED: PARCEL NO. 37325.9078	¼ NE	¼ SE	SECTION 32	TOWNSHIP N. 27	RANGE 43	WRIA 55	COUNTY. Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 80	MAXIMUM ACRE-FT/YR 50	TYPE OF USE, PERIOD OF USE Continuously for Municipal Supply				
SOURCE One (1) Well #8C 15010 N. Columbus AGC-037			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 37325.9078	$\frac{1}{4}$ NE	$\frac{1}{4}$ SE	SECTION 32	TOWNSHIP N. 27	RANGE 43	WRIA 55	COUNTY. Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right							
PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP N.	RANGE,		

DESCRIPTION OF EXISTING POINTS OF WITHDRAWAL

One (1) Well 100 feet south and 200 feet west of the W1/2 corner of Sec. 10, T.27., R. 43 E.W.M. AHC-149

DESCRIPTION OF PROPOSED WORKS

Well #1: NE1/4SE1/4 Sec.32, T. 27N., R. 43 E.W.M. Parcel # 37325.9078 Well Tag # AGC-037
Coordinates 47 51.155N 117 20.965W el: 1883 ft.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Begun	Completed	January 1, 2015

REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On September 26, 2011 The Whitworth Water District No. 2 filed an application to change the point of withdrawal under groundwater certificate G3-20460C. The application was accepted at an open public meeting on September 26, 2011, and the board assigned application number SPOK-11-19. The application for change proposes to change the point of withdrawal from the B & J Water System well located 100 feet south and 200 feet west of the W1/4 corner of Sec. 10, T 27N., R. 43 E.W.M. to the Whitworth Well #8C located in the NE1/4SE1/4 of Sec. 32, T. 27., R.43 E.W.M.

Whitworth purchased the B&J Water Association system on March 8, 2011
Whitworth installed new meters on the system in October 2011

Attributes of the water right as currently documented

Name on certificate, claim, permit: L. H. Jorgens

Water right document number: G3-20460

As modified by certificate of change number:

Priority date, first use: August 23, 1972

Water quantities: Qi: 80 GPM Qa: 52 acre ft./ year

Source: One (1) Well

Point of diversion/withdrawal:

One (1) Well 100 feet south and 200 feet west of the E1/4 corner of Sec. 10
NE1/4SE1/4 Sec.10, T. 27N., R. 43 E.W.M. Parcel # 37104.0118 Well Tag # AHC-149

Purpose of use: Continuously for community domestic supply

Period of use: Continuously

Place of use: The Plat of Wahoo Addition within the SE1/4 of Section 10, T. 27., R. 43 E.W.M.

Existing provisions:

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

This water use includes continuous domestic supply within the BJ Water System which was merged into the Whitworth Water District No. 2 service area on March 8, 2011.

On April 22, 2013, Whitworth Water District submitted monthly meter readings from December 2012 to March 2013 for 25 parcels.

Previous changes

SEPA

This application is categorically exempt from the provisions of the State Environmental Policy Act. (SEPA) of 1971, Chapter 43.21C RCW and Chapter 197-11-800 WAC due to the fact the amount of water being withdrawn is less than 2250 gallons per minute. A SEPA check list was submitted in 2005 by Whitworth Water District #2.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was published in the Deer Park Tribune on 1-4-2012 & 1-11-2012.
Protest period ended on February 12, 2012

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION [See WAC 173-153-130(6)(c)]

On June 26, 2012, Commissioners Doug Rider and Stan Schultz met with Susan Mc George, the General Manager of the Whitworth Water District #2. We visited the B & J Water System well site. 1 Photo was taken and is part of this file. Additional information was found in technical reports, research of department records and conversations with the applicant.

On April 5, 2005, Whitworth Water Dist. #2 made application to Ecology for a change/transfer of Water Certificate # G3-20460C. Due to a back log DOE did not process this application and DOE then recommended Whitworth Water District #2 make application to the Spokane County Water Conservancy Board. The application was transferred and accepted by the SCWCB on September 26, 2011

This transfer is supported by the Washington State Department of Health in a letter to Mr. Keith Stoffel, Department of Ecology, dated November 8, 2011. The Department of Health had Public Health and Safety concerns with the B&J water system, due to lack of adequate operation and management of the system.

Upon reviewing the meter readings provided on April 22, 2013, we find that on March, 2013, there were 24 meters and 1 vacant lot in the Wahoo sub-division.

On April 27, 2013, Chairman Rider re-visited the Wahoo Plat and determined that there were only 25 lots in the sub-division being served by the Whitworth Water Dist. #2. When Whitworth took over the system Lot # 17 was not included as the owner: Alfonso B. Moreno, had his own wells. Subsequent discussions with Whitworth indicated that the lot has never been served by the B.J. System.

Proposed project plans and specifications

Other water rights appurtenant to the property (if applicable)

The Whitworth Water District #2 has several municipal water rights for continuous municipal supply.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. There have been no protests or letters of concern regarding the proposed application for change, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change. The proposed change has already occurred

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights

may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings: The current water right under G3-20460P is a municipal purpose right and not subject to relinquishment. The water under G3-20460P is currently being used under existing authorized points of withdrawals and is in good standing.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Other

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

The current Ground Water Certificate G3-20460C is for community domestic supply. Whitworth Water District No. #2 took over this water system on March 8, 2011 and continued to serve 25 lots within the Plat of Wahoo Addition. Certificate of Water Right G3-20460C permits the use of 2 ac/ft per 3-acre lot all of which is transferable to Whitworth Water District #2 as a municipal system.

Relinquishment or abandonment concerns

Ground Water Certificate G3-20460C was issued and recorded with the Spokane County Auditor on August 3, 1976, for community domestic supply and therefore subject to relinquishment for non-use. Ground Water Certificate G3-20460C has been used to serve the Wahoo addition since Whitworth Water District #2 took over the small water system in 2011 and has continued to deliver water for domestic use.

Hydraulic analysis

Both Wells are within the same body of Ground Water.

Consideration of comments and protests

No protests or comments were received.

Impairment

There is no impairment issue with this transfer.

Public Interest

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. This change **does not modify quantities approved** and allocated on August 23, 1972. The Whitworth Water District #2 is a municipal water supplier with the most recently approved water system plan.

DECISION [See WAC 173-153-130(6)(e)]

Ground Water Certificate G3-20460C is valid and approved for the transfer of 80 gallons per minute, 50 acre feet per year for continuous municipal supply, change the point of withdrawal to Well #8C (15204 N. Columbus) located in the NE1/4SE1/4 of Section 32, T. 27N., R. 43 E.W.M. and change the place of use to the area served by Whitworth Water District #2.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water_use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

The geographic area served by the Whitworth Water District #2 is defined by regulations and management programs administered by other state and local jurisdictions. The place of use defined on this water right shall be that established area.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained

Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities

A certificate of water right will not be issued until a final examination is made.

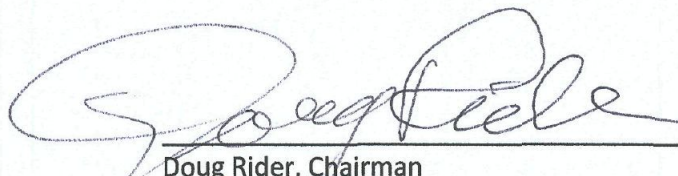
The well associated with this change application, the B & J Water Company well was historically used as a point of withdrawal. It is however, being used as an observation well to monitor the long-term water level of the aquifer. It is anticipated that this well will continue to function as a monitoring well for the foreseeable future. At such time in the future when the B & J well is no longer needed as an observation well, the department shall notify the applicant that the B & J Well is no longer being used as an observation well and the applicant agrees to properly decommission the well in accordance with Chapter 18.104 RCW and Chapter 173-160 WAC.

Construction Schedule

Construction has begun and will be completed and in use by January 1, 2015

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Spokane Valley, Washington
This 29th day of May, 2013



Doug Rider, Chairman
Spokane County Water Conservancy Board

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